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Section 3  
Bot-seq

Dkt. 65503-B/JPW/MS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Elena Feinstein, et al. #3

U.S. Serial No. : 09/825,682

Filed : April 4, 2001

For : SEQUENCE CHARACTERISTICS OF BLADDER  
CANCER

COPY OF PAPERS  
ORIGINALLY FILED

1185 Avenue of the Americas  
New York, New York 10036  
January 22, 2002

Assistant Commissioner for Patents  
Washington, D.C. 20231

Attn.: Box Missing Parts

Sir:

COMMUNICATION IN RESPONSE TO JUNE 19, 2001 NOTICE TO FILE  
MISSING PARTS OF APPLICATION FILING DATE GRANTED AND PETITION FOR  
A FIVE-MONTH EXTENSION OF TIME

This Communication is submitted in response to the June 19, 2001 Notice to File Missing Parts of Application - Filing Date Granted - issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to this June 19, 2001 Notice was originally due on August 19, 2001. Applicants hereby request a five-month extension of time from August 19, 2001 to January 19, 2002. The fee for a five-month extension of time for a small entity is NINE HUNDRED AND EIGHTY DOLLARS (\$980.00) and applicants enclose a check for \$980.00. Applicants' status as a small entity has been previously claimed on

02/04/2002 BABRAH1 00000003 033125 09825682

01 FC:228 90.00 CH 890.00 DP

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the Patent Application Transmittal Letter and such status is still applicable. Thus a reply to the June 19, 2001 Notice is now due January 19, 2002. However, since January 19, 2002 falls on a Saturday, a response may be filed on the next business day which is not a weekend or federal holiday, namely January 22, 2002. Accordingly, this Communication is being timely filed.

The Notice to File Missing Parts of Application indicates that the oath or declaration is unsigned. Applicants attach hereto a copy of the Notice as **Exhibit A**. In response, applicants submit as **Exhibit B** hereto a copy of a signed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(f) which was previously submitted on June 4, 2001 by Express Mail, along with a Preliminary Amendment and Nonpublication Request. In compliance with 37 C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date.

A copy of the postcard which was submitted on June 4, 2001 along with the signed Declaration and Power of Attorney, stamped and returned from the Patent & Trademark Office, is attached as **Exhibit C** hereto. Applicants request that the Preliminary Amendment; Nonpublication Request and Declaration and Power of Attorney, all previously submitted on June 4, 2001 by Express Mail be entered.

In addition, applicants also submit as **Exhibit D** a substitute specification in compliance with 37 C.F.R. §1.52.

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Finally, in response to the Notice, applicants submit a paper copy and computer readable copy of the nucleotide and/or amino acid sequences disclosed in the application in order to fulfill the requirements of 37 C.F.R. §1.821 and 1.825 in connection with this application. Applicants submit herewith twenty-six (26) pages of Sequence Listing in compliance with the requirements of §1.821 and 1.825 attached hereto as **Exhibit E**.

Applicants also submit herewith a formatted Sequence Listing in a computer readable form which complies with the requirement of 37 C.F.R. §1.824. In addition, applicants submit a Statement in Accordance with 37 C.F.R. §1.821(f), attached hereto as **Exhibit F**, certifying that the computer readable form containing the nucleic acid and/or amino acid sequences as required by 37 C.F.R. §1.821(e) contains the same information which is submitted as "Sequence Listing".

The surcharge under 37 C.F.R. §1.16(e) for responding to the Notice to File Missing Parts of Application is SIXTY FIVE DOLLARS (\$65.00) for a small entity. Applicants enclose a check for \$65.00 for late filing of the oath or declaration.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

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No fee, other than the \$890.00 five-month extension of time fee and the \$65.00 surcharge fee, is deemed necessary in connection with the filing of this Communication. If any additional fees are required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Attorney for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents Washington, D.C. 20231, Attn.: BOX MISSING PARTS.

  
John P. White  
Reg. No. 28,678

1/22/02  
Date



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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/825,682	04/04/2001	Elena Feinstein	0168.00106

CONFIRMATION NO. 3555

## FORMALITIES LETTER



\*OC00000006197796\*

Kohn & Associates  
Suite 410  
30500 Northwestern Hwy.  
Farmington Hills, MI 48334

#5

Date Mailed: 06/19/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

02/04/2002 BABRAH1 00000002 09825682

FILED UNDER 37 CFR 1.53(b)

01 FC 205

65.00 DP

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52 because:
  - Papers contain improper margins. *Each sheet must have a left margin of at least 2.5 cm (1") and top, bottom and right margins of at least 2.0 cm (3/4")*
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and,

where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- **For Rules Interpretation, call (703) 308-4216**
- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)**

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*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE